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IPIB AO 2016-04

January 21, 2016

SUBJECT: Judicial Branch Filings

Kevin Kilgore
1695 115th Street
Diagonal, Iowa 50845

Dear Mr. Kilgore:

This opinion is in response to your letter of January 13, 2016, requesting an opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code section 23.6 and rule 497—1.2. We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTUAL STATEMENT:

You inform us that certain statutes permit an appeal to the District Court after attendance and filing objections at a public hearing.

QUESTIONS:

Based on your factual statement you ask us the following questions:

1. Do all judicial system court filings in which a government entity is the party in opposition require adjudication as appellate proceedings?
2. Is attendance at a public hearing and filing objections a necessary precursor to a filing brought in the District Court?

OPINION:

Iowa Code section 22.12 expressly states that IPIB does “not have jurisdiction over the judicial or legislative branches of state government or any entity, officer or employee of those branches, or over the governor or the office of the governor.” Both of the questions you pose to the Board concerns filings with the judicial branch of government. As those issues are beyond the statutory jurisdiction of the Board to address, we will not be issuing an opinion on those questions.

Board Members

Robert Andeweg • Anthony Gaughan • Jo Martin • Andrew McKean • Gary Mohr • William Monroe
Kathleen Richardson • Suzan Stewart • Peggy Weitzl

BY DIRECTION AND VOTE OF THE BOARD

Suzan Stewart, Chair
Kathleen Richardson, Vice Chair
Robert Andeweg
Anthony Gaughan
Jo Martin
Andrew McKean
Gary Mohr
William Monroe
Peggy Weitzl

Submitted by: W. Charles Smithson, IPIB Director